

REMARKS

In accordance with the foregoing, claims 1, 2, and 12 amended. No new matter is being presented, and approval and entry are respectfully requested. Claims 1-12 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §112:

Claims 1-12 were rejected under 35 U.S.C. §112, first paragraph, relative to the recitation "more than once from a beginning to an end of a period according to said given person's itinerary." Independent claims 1, 2, and 12 are amended herewith to replace the above identified recitation with "at a predetermined time interval." The claim amendment is supported by the originally filed specification, for example, FIG. 8 and the corresponding description. Independent claims 3, 10 and 11 do not include the recitation that caused the rejection under 35 U.S.C. §112, first paragraph. Therefore, this rejection was improperly applied to claims 3-11.

Claims 1-12 were rejected under 35 U.S.C. §112, second paragraph, relative to lack of clarity in claim 1 language. Claim 1 is reviewed herewith to clarify the claimed subject matter without raising new issues. No new matter is added. Claims 2-12 do not include the recitation that caused the rejection under 35 U.S.C. §112, first paragraph. Therefore, this rejection was improperly applied to claims 3-12.

In view of the claim amendments, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §112.

REJECTION UNDER 35 U.S.C. §103:

Claims 1-12 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,842,737 to Stiles et al. (hereinafter "Stiles"), in view of U.S. Patent No. 6,085,976 to Sehr ("Sehr").

Amended claim 1 specifies "consulting said given person's itinerary at a predetermined time interval to determine dates and times and/or places as indicated by the travel itinerary" (underlined is the added language).

The Office Action submits that "Stiles does not explicitly teach travel progress determined from a travel schedule which is updated using travel progress information based on travel ticket usage information and replacement ticket information" (see lines 2-5 on page 5 of

the outstanding Office Action). The Office Action relies on Sehr to compensate for Stiles failure to disclose all the features recited in the independent claims.

Applicants have previously argued that Sehr teaches collecting “demographics information” (see col. 11, lines 28-29 of Sehr) which is not related to a “given person” as is the case in claim 1. Sehr does not teach or suggest tracking travel progress based on ticket usage information. In order to monitor the travel progress, it is necessary to store an individual initial itinerary which may be updated according to travel progress prior to a certain travel segment linked to Sehr’s service providers. Sehr does not teach or suggest any travel update concerns focusing on the carrier (i.e. plane) availability and not on a traveler itinerary. In the outstanding Office Action the Examiner responds to Applicants’ arguments by emphasizing the marketing and promotion aspects of Sehr’s disclosure alleging that loyalty and frequent traveling programs focus on individuals. First, Applicants respectfully submit that the Examiner’s response is rather speculative because it is not based on what Sehr discloses (no citation is indicated therein). Second, the Examiner fails to show how these potential implications related to Sehr’s disclosure provide an updated travel schedule for an individual (i.e., the given person). Although the loyalty points do belong to individual person and may be used to alter travel plans, the mere tally of the loyalty points provides no information about a travel schedule update.

Therefore, Sehr fails to correct or compensate for the above identified failure of Stiles to teach at least “adjusting said given person’s itinerary according to a travel progress determined from travel ticket usage information or replacement ticket information of said given person.”

Since Stiles and Sehr alone or in combination fail to render obvious all the features of the independent claims, claims 1-12 are patentable.

Specifically, amended independent claim 1 is patentable at least by reciting “automatically broadcasting to one or more information terminals and at least one communication address for said given person, pre-registered advertising information or reference information in connection with the dates and times and/or places which the given person’s itinerary indicates, wherein the given person’s itinerary is adjusted according to a travel progress determined from travel ticket usage information or replacement ticket information of said given person.”

Stiles and Sehr, alone or in combination, fail to render obvious claim 2 at least because claim 2 recites “matching at a predetermined time interval, the broadcasting prerequisites for the relevant information with the travel schedules, extracting travelers who meet the broadcasting prerequisites, and broadcasting the relevant information to the extracted travelers’ communications addresses according to a travel progress of the extracted travelers determined from travel ticket usage information or replacement ticket information.”

Independent claim 3 is patentable at least by reciting “broadcasting at predetermined times said relevant information to the communications addresses for the extracted travelers, the predetermined times being determined from travel progress information based on travel ticket usage information or replacement ticket information.” Claims 4-9 depending directly or indirectly from patentable claim 3 are also patentable at least by inheriting patentable features from independent claim 3.

Independent claim 10 is patentable at least by reciting “broadcasting means for broadcasting at predetermined times said relevant information to the communications addresses for the extracted travelers, broadcasting means adjusting the predetermined times based on travel progress of the extracted travelers determined from travel ticket usage information or replacement ticket information.”

Independent claim 11 is patentable at least by reciting “broadcasting at predetermined times which are correlated with the travel-plan schedules, the advertisements to communications addresses for the travelers participating in the travel plans wherein the predetermined times are adjusted based on travel progress determined from travel ticket usage or replacement ticket information.”

Amended independent claim 12 patentably distinguishes over the cited prior art at least by reciting “sending advertising data to the specified travelers at predetermined time intervals, in accordance with the travel schedules, wherein the travel schedules are updated using travel ticket usage information or replacement ticket information.”

CONCLUSION:

There being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

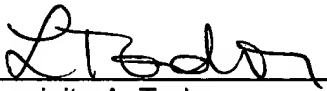
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: March 28, 2008

By: 
Luminita A. Todor
Registration No. 57,639

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501